United Nations A/C.3/54/SR.42

General Assembly
Fifty-fourth session

Official Records

Distr.: General
2 February 2000
English
Original: French

Third Committee

Summary record of the 42nd meeting
Held at Headquarters, New York, on Thursday, 11 November 1999, at 10 a.m.

Chairman: Mr. Galuška ..... (Czech Republic)

Contents

Agenda item 116: Human rights questions (*continued*)

(b) Human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms (*continued*)

(c) Human rights situations and reports of special rapporteurs and representatives (*continued*)

(d) Comprehensive implementation of and follow-up to the Vienna Declaration and Programme of Action (*continued*)

(e) Report of the United Nations High Commissioner for Human Rights (*continued*)

This record is subject to correction. Corrections should be sent under the signature of a member of the delegation concerned *within one week of the date of publication* to the Chief of the Official Records Editing Section, room DC2-750, 2 United Nations Plaza, and incorporated in a copy of the record.

Corrections will be issued after the end of the session, in a separate corrigendum for each Committee.

99-82343 (E)

The meeting was called to order at 10.15 a.m.

Agenda item 116: Human rights questions (*continued*)

(b) Human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms (*continued*) (A/54/93, A/54/137, A/54/216, A/54/222 and Add.1, A/54/303, A/54/319, A/54/336, A/54/353, A/54/360, A/54/386, A/54/399 and Add.1, A/54/401, A/54/439 and A/54/491)

(c) Human rights situations and reports of special rapporteurs and representatives (*continued*) (A/54/188, A/54/302, A/54/330-S/1999/958, A/54/331-S/1999/959, A/54/359, A/54/361, A/54/365, A/54/366, A/54/387, A/54/396-S/1999/1000, A/54/409, A/54/422, A/54/440, A/54/465-S/1999/1060, A/54/466, A/54/467, A/54/482, A/54/493, A/54/499 and A/54/527-S/1999/1125; A/C.3/54/3 and A/C.3/54/4)

(d) Comprehensive implementation of and follow-up to the Vienna Declaration and Programme of Action (*continued*)

(e) Report of the United Nations High Commissioner for Human Rights (*continued*) (A/54/36)

1. **Mr. Alaei** (Islamic Republic of Iran) said that the annual consideration of human rights questions provided an opportunity for careful study of the situation. At the current session, however, the draft resolution on the death penalty and the manner in which it had been introduced had revealed an increasing polarization within the international community.

2. In the field of human rights, achievements abounded. However, human rights must not be used as a pretext for infringing on the sovereign rights of States, since that would lead to confrontations between nations and to a revival of the atmosphere that had prevailed during the cold war. Advancement in the field of human rights could be achieved only through mutual respect, tolerance and equal standing of all countries as far as their cultures and historical identities were concerned.

3. Initiatives taken at the international level should always be based on the principles of international law, particularly respect for national sovereignty and the right of peoples to freely choose their system of government. In accepting the universal standards concerning human rights States had not committed themselves to adopting the values of others; respect for the democratic process required that the views of the majority should be taken into account. Cooperation, democratic interaction, rejection of coercion, transparency and objectivity were essential.

4. The United Nations must bear those principles in mind both when setting standards and when implementing them. There were various mechanisms for implementation, ranging from the treaty bodies, whose mandates were well defined, to political bodies such as the Commission on Human Rights and the Third Committee, whose mandates were so poorly defined that some members were able to subvert the system for their own political ends. Once a country had been chosen for international monitoring, there was no mechanism for laying down the conditions under which that monitoring would be brought to an end; the first victim of that situation was the cause of human rights. It was therefore all the more necessary to promote consensus and respect for the will of the majority and to reject coercion in all its forms.

5. **Ms. Kapalata** (United Republic of Tanzania), recalling that the international human rights treaties were the basis for human rights norms and principles, said that while some States had denounced or placed restrictions on their acceptance of the second Optional Protocol to the International Covenant on Civil and Political Rights, they had done so because they needed time to reflect and to consult. The issue of the death penalty was a matter for domestic jurisdiction and should not be subject to outside pressure.

6. She commended the special rapporteurs and representatives for their objectivity and said that the report of the Special Rapporteur on the situation of human rights in Burundi made it clear that it was the people of Burundi themselves who were the perpetrators of human rights violations; the Tanzanians were in no way implicated. The United Republic of Tanzania, enjoyed good relations with all its neighbours and did not harbour subversive elements from other countries. On the contrary, it had always endeavoured to assist Burundi by welcoming its refugees and promoting the peace process.

7. Her delegation welcomed the appointment in 1998 of independent experts on structural adjustment policies, extreme poverty and the right to development. Development was an essential condition for the full enjoyment of human rights, and she hoped that the participation of the Office of the High Commissioner for Human Rights in the pilot phase of the World Bank's Comprehensive Development Framework would prompt the Bank to include a human rights element in its programmes. The experts had noted that many developing countries lacked sufficient resources to eradicate poverty because they had to service their external debt; the Bank might consider renegotiating or even cancelling such debt. She hoped that the consultations that had been held in Geneva in August 1999 would culminate in the adoption of a declaration on human rights and extreme poverty that would provide a blueprint for action.

8. Civil and political rights were enshrined in the Tanzanian Constitution and the Government had decided to establish a national human rights commission; once operational the commission would seek partnership with the Office of the High Commissioner for Human Rights, which had offered to respond to all requests for assistance by new institutions.

9. Her Government supported the holding of a world conference on racism, racial discrimination, xenophobia and related intolerance because such attitudes had a devastating effect on the enjoyment of human rights and were at the root of many conflicts.

10. Her delegation welcomed the efforts to integrate the rights of minorities into the human rights procedures and mechanisms. However, it was important to ensure that such integration did not create divisions that could undermine national sovereignty.

11. Her delegation also supported the decision of the Office of the High Commissioner to integrate a gender perspective into all mechanisms and activities of the United Nations system and it applauded the move to enhance partnerships among United Nations bodies, Governments and civil society to that end. It commended the High Commissioner for drawing attention to economic policies that did not take into account the needs of children since it was quite possible to design policies that reinforced the rights of the child while at the same time promoting economic and social development.

12. The High Commissioner for Human Rights had noted that while much had been achieved since the proclamation of the Universal Declaration of Human Rights, political will was often lacking. In the developing countries, it was not will, but resources, that were lacking. In any case, after 50 years of talk, it was now time for action.

13. **Mr. Goledzinowski** (Australia) noted that the right to development had been officially recognized as a human right. The challenge now was to develop common strategies to implement that right; that was the mission of the intergovernmental working group established by the Commission on Human Rights.

14. To help prepare for the meeting of the group which had been scheduled for September 1999 and to broaden the debate, Australia had organized and financed an experts' seminar, which had highlighted the broad agreement on the subject.

15. Although the September meeting had been cancelled, it had been possible at the seminar to establish a fruitful dialogue with the independent expert on the right to development. Australia looked forward to continuing those discussions at the meeting which had been rescheduled for December; the meeting would follow up on the seminar on human rights and development which had been held at United Nations Headquarters in October and on the one which would be held in Copenhagen in December.

16. The right to development was beginning to be realized in many parts of the world, but the gains had not been evenly distributed. It was incumbent upon the working group to consider how to remedy that imbalance. Various empirical studies, conducted by the World Bank and others, had made it possible to come to a consensus on the ingredients for successful development. A return to the North-South debate was thus unlikely.

17. The challenge for the United Nations was to translate ideas into actions. There were still some differences of opinion concerning priorities, as some considered that the focus should be on international cooperation, including the transfer of technology and wealth and the forgiveness of debt, while others believed that the key lay in domestic action, including sound economic and social policies, honest government and strong institutions. The truth was that all those elements were necessary. It was up to the working group to determine the correct balance.

18. The deliberations of the General Assembly would set the tone for the working group; the tone should be one of cooperation. The right to development had great symbolic and practical importance; it should unify rather than divide.

19. **Ms. Barghouti** (Observer for Palestine) said that the Universal Declaration of Human Rights and all the declarations, conventions and instruments which had followed constituted the political and legal basis for the international community's activities in the field of human rights. Nonetheless, much remained to be done to ensure that those rights were universally respected. In particular, since all human rights were indivisible and interdependent, more attention should be given to the promotion of civil, political, social and cultural rights.

20. The World Conference on Human Rights, which had called, *inter alia*, for action to assist peoples subjected to foreign domination, constituted a major step forward. Yet, as had been noted in the reports of the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Palestinian People and Other Arabs of the Occupied Territories, and as her delegation had stated before the Special Political and Decolonization Committee, Israel's ill-treatment of the Palestinian people continued.

21. The occupation automatically produced a situation of oppression and violation of the collective and individual rights of the Palestinians: deprivation of the right to self-determination, confiscation of land, seizure of natural resources, the building of illegal settlements, detention and denial of freedom of movement and obstruction of the Palestinians' means of livelihood. The international community must not tolerate a situation in which 7 million persons were still deprived of their fundamental rights at the end of the twentieth century. The United Nations had a responsibility to defend the human rights enshrined in the Charter, including the rights of peoples living under foreign occupation, and to ensure universal respect for international law, the Fourth Geneva Convention and other instruments of humanitarian law.

22. The signing of the Sharm-el-Sheikh Memorandum and the resumption of the peace process were encouraging, but there could be no lasting peace as long as the living conditions of the Palestinians did not improve and as long as Israel did not respect the Palestinians' fundamental rights. It was imperative that the Israeli Government should go beyond rhetoric, recognize the *de jure* applicability of the Fourth Geneva Convention and fully respect the Convention's provisions.

23. **Mr. Rodríguez Parrilla** (Cuba) said that although the Committee dealt with a variety of items, the focus of its deliberations remained the same: to defend the principles enshrined in the Charter and to defend cultural, historic and religious diversity in the face of neocolonialist attempts to impose a single model. He denounced the arrogance and hypocrisy of certain statements, and accused the industrialized States, and in particular the United States, of systematically obfuscating the problems of minorities and immigrants.

24. In the United States, wealth was concentrated in the hands of a few, and there were enormous disparities between the white and African American populations, as was demonstrated by all indicators including maternal and infant mortality rates, life expectancy, incidence of tuberculosis and AIDS, causes of death among young persons, prison populations and prison sentences.

25. He denounced the social scourges which afflicted the United States. Paedophilia, child prostitution and juvenile crime flourished. The mentally ill were often imprisoned for lack of psychiatric hospitals. The prison population was enormous, and cruel, inhuman and degrading treatment was common. The death penalty was applied mainly to blacks or to foreigners deprived of the consular assistance to which they were entitled and even on minors. Racial discrimination and xenophobia were particularly obvious in the activities of the police, whose preferred targets were African Americans, Latin Americans and immigrants, in general, and in the school and university system.

26. Responding to the statement made by the European Union, he noted that the countries it criticized were nearly all former colonies, and that the conflicts tearing those countries apart were the consequences of colonialism, the pillaging of natural resources and the arbitrary drawing of borders. Europe, where fascist and neo-Nazi parties proliferated, remained silent on the questions of xenophobia, violence committed against immigrants, unjust and selective expulsion policies, trafficking in organs, child prostitution, paedophilia and sexual tourism. In the former colonies, indigenous peoples were

disadvantaged in every respect, whether in terms of income, employment, education or health. Australia and Canada remained silent about the indigenous peoples of North America and the Torres Strait. At a time when the anniversary of the fall of the Berlin wall was being commemorated with great pomp, the United States remained silent about the wall at the Rio Grande, where 350 persons had died the previous year, and its lackeys refrained from condemning the Maticni wall built against gypsies in the Czech Republic.

27. The countries of the North had no monopoly on freedom and democracy; freedom and democracy could never be defined merely by a single philosophy. Those who treated the countries of the South with contempt while singing the praises of political freedoms and rights should stop using fine words and start taking steps to eradicate poverty and ensure development, not out of a sense of generosity, but because it was their responsibility, as former colonial powers, to do so.

28. **Mr. Apata** (Nigeria) said that there was enough legislation to address the issue of human rights violations; what had been lacking was the political will to implement such legislation. The Government of Nigeria was determined to respect all human rights treaties. The rule of law had been re-established, particularly in the exercise of due process.

29. He commended the High Commissioner for Human Rights for her emphasis on prevention, for the high priority given to economic, social and cultural rights and the right to development, and for her efforts in promoting system-wide cooperation between all the United Nations organizations and programmes. It was to be hoped that such cooperation would strengthen the implementation of the right to development and would increase the participation of the United Nations Development Programme (UNDP) in the work of treaty bodies.

30. Since its dark period, during which it had been condemned by the General Assembly, Nigeria had made immense progress over the previous 12 months in the area of human rights. There were no more political detainees, and all fundamental human rights had been restored: freedom of the press, trade union rights, due process, independence of the judiciary and freedom of association. The Government had established a human rights panel to investigate the violations committed over the previous 25 years, of which both he and President Obasanjo had been victims. Accountability and transparency had become the cardinal principles of government.

31. Some of the laws inherited from the past were under review, and those which contravened human rights principles would be repealed. A bill to combat the corruption which had tainted Nigerian society had been submitted to the National Assembly.

32. The situation in the Niger Delta was neither a human rights issue nor a minority rights issue; rather, it was a problem of development. The current Government attached great importance to development, which had been the subject of the very first bill submitted by it to the National Assembly.

33. Nigeria would continue to take appropriate measures to guarantee the promotion and protection of human rights.

34. **Mr. Abelian** (Armenia) recalled that, one year after the celebration of the fiftieth anniversary of the Universal Declaration of Human Rights, abuses of human rights were still occurring. A culture of human rights would emerge only when individuals were fully aware of their rights and recognized the need to respect the rights of others.

35. The promotion of human rights at the regional and international levels first required efforts at the national level. Armenia therefore endorsed the High Commissioner's emphasis on the need to build a sustainable national capacity to implement international human rights standards.

36. In 1993, the World Conference on Human Rights had affirmed the indivisibility and interdependence of all human rights and fundamental freedoms. Furthermore, the Declaration on the Right to Development had emphasized that the human person was the central subject of the development process and that all development policy should make the human being the main participant and beneficiary of development. In order to guarantee that right to development, a controversial subject throughout the world and particularly in the Third Committee, it was necessary to strengthen cooperation between developed and developing countries.

37. The imperative to convert rhetoric into action was a feature of the human rights debate. The adoption of the Universal Declaration of Human Rights, in reaction to the atrocities committed during the Second World War, had not prevented 50 years of repeated violations

of human rights and international humanitarian law, with genocide being the most serious of such abuses.

38. The need to eliminate the "culture of impunity" was increasingly recognized. Since national institutions often lacked the ability or will to act in that regard, the establishment of the International Criminal Court in 1998 had been recognized as a significant achievement at the international level.

39. Armenia, which had signed the statute of the International Criminal Court in 1999, had joined the sponsors of the draft resolution on the moratorium on capital punishment. Although the 1995 Armenian Constitution provided that the death penalty (which had not been carried out since the country's independence) could be applied only to the most serious crimes, the Government recognized the right of each society to act in accordance with its own cultural and historic traditions.

40. **Ms. Elisha** (Benin) said that Africa continued to bear the stigma of the human rights abuses of slavery and colonialism. Benin, a country of ethnic, cultural, religious, political and economic contrasts, was a microcosm of Africa. It had espoused democracy and had worked for the protection of human rights, in particular by establishing a Ministry of Justice and Human Rights.

41. The Fundamental Law of Benin guaranteed equality of citizens of both sexes and the Government sought to promote the advancement of women, who were increasingly enjoying civil and political rights. A family code eliminating the privileges of men and safeguarding women's marriage rights was under review. Furthermore, there was now a National Advisory Council for the promotion and protection of human rights, comprised of representatives of both Government and civil society, particularly non-governmental organizations. Benin had also ratified all the international human rights instruments, and the most important ones had been translated into the various national languages.

42. However, democracy had not generated the anticipated economic development. The form of development adopted was aggravating poverty in a country where 80 per cent of the population were illiterate and unaware of their rights and fundamental freedoms. That was demonstrated by the current social unrest in Benin (varying from a merciless pursuit of armed gangs of looters to a widespread strike of civil servants), which was rooted in the economic problems linked to the country's underdevelopment.

43. Benin was pleased that the correlation between human rights and economic development was being increasingly acknowledged by the international community; human rights should include the right to development.

44. Benin had no doubt that, even more than the Copenhagen World Summit for Social Development, the special session to be held in Geneva would promote the elimination of poverty, a scourge which was a major obstacle to the enjoyment of human rights.

45. **Mr. Kiwanuka** (Uganda), referring to the report of the Special Rapporteur on the situation of human rights in the Democratic Republic of the Congo (A/54/361), said that to politicize the issue at a time when leaders in the Great Lakes Region were making efforts towards a peaceful solution would in no way serve the peace process. New and promising initiatives had been launched in the region and there was a determination to peacefully resolve the conflict in the Democratic Republic of the Congo, and to protect the rights and fundamental freedoms of the inhabitants of the region. Uganda had demonstrated its commitment to the peace process through its membership of the joint military commission established two months earlier under the Ceasefire Agreement and through its chairmanship of the political committee.

46. At the domestic level, Uganda had incorporated the universal principles relating to human rights into its national legislation and was committed to the concepts of good governance, rule of law, transparency and accountability. Freedom of the press was also generously protected.

47. Uganda appreciated the support offered by UNDP for the process leading to the referendum on the Ugandan political system to be held in 2000, and was pleased that the United Nations had also decided to provide technical support to that referendum. The referendum itself had been denounced in certain quarters as denying Ugandans their basic rights. The Government rejected that view and believed that the best way to ensure the triumph of democracy and human rights was to allow the people to freely express themselves.

48. Uganda also thanked the Office of the High Commissioner for Human Rights for its assistance to

the Ugandan Human Rights Commission, which was an independent and autonomous body, and UNDP for helping the Human Rights Commission to perform its task. He also expressed appreciation to the United Nations Fund for Victims of Torture for its grants to Ugandan organizations such as the African Centre for the Treatment and Rehabilitation of Torture Victims, the Africa War Victims Medical Concern and the Kampala Medical Foundation. There was no doubt that such assistance would help Ugandans in their efforts to safeguard the human rights and freedoms of their people.

49. **Mr. De Alba** (Mexico) said that the promotion and protection of human rights were a key priority of the Mexican Government, which, with the participation of civil society, was currently implementing a national programme designed primarily to follow up the recommendations of the World Conference on Human Rights held at Vienna. The programme comprised measures in various domains, such as public security, administration of justice and protection of vulnerable groups. Moreover, the national commission on human rights, which played the role of an ombudsman, would in future be accorded legal personality and have its own budget, which would guarantee its independence.

50. The Government was endeavouring to harmonize its legislation with the provisions of the international instruments to which Mexico was a party and developing Mexican law in such complex and sensitive domains as the rights of indigenous peoples and the protection of vulnerable groups.

51. At the international level, Mexico, which was a party to 43 regional and international human rights instruments, had made significant progress in studying the various instruments which it was intending to sign or to ratify, and was currently undertaking the legal and administrative reforms necessary to become a party to the Convention relating to the Status of Refugees of 1951 and its 1967 protocol. Mexico had invited and received several special rapporteurs of the Commission on Human Rights and was preparing to receive the United Nations High Commissioner for Human Rights.

52. Referring to the report of the Secretary-General on enhancing the effectiveness of the principle of periodic and genuine elections (A/54/491), he welcomed the highly fruitful technical cooperation between the United Nations and Mexico in electoral matters, whereby the Organization and the Mexican Government were jointly preparing the elections to be held in Mexico in 2000. The Mexican Government had made unprecedented funding available for the establishment of electoral institutions which provided all guarantees of legality and which had served as models in United Nations cooperation programmes with other countries.

53. The question of the death penalty should be examined from a human rights viewpoint as well as from a legal perspective. While it still existed, it should not be applied to minors, the number of crimes for which it was applicable should be kept to a minimum, and the persons liable to it should be given a proper trial. In Mexico, the death penalty had not been applied for more than 60 years, but many Mexicans had undergone death sentences abroad, or were on death row in countries which did apply the penalty. In some cases, those persons had not been given consular assistance or the procedural safeguards to which they were entitled. In that regard, it should be stressed that the Inter-American Court of Human Rights, in its recently published Advisory Opinion OC-16/99, had concluded that failure to observe the right of foreign detainees to information, recognized in article 36, paragraph 1 (b), of the Vienna Convention on Consular Relations, did not make it possible to guarantee such persons a fair trial and that, in such circumstances, the death penalty constituted a violation of the right not to be arbitrarily deprived of life, which gave rise to international responsibility on the part of the States concerned and imposed on them a duty of redress.

54. Mexico would vote in favour of draft resolution A/C.3/54/L.8 concerning the question of the death penalty, being in favour of its abolition.

55. **Mr. Lewis** (Antigua and Barbuda), speaking on behalf of the member States of the Caribbean Community (CARICOM), said that several CARICOM countries had already made statements on the items under discussion, but that recent remarks made by the representative of Finland on behalf of the European Union prompted CARICOM to make a statement.

56. The representative of Finland had singled out the Caribbean with a view to persuading CARICOM member States which applied the death penalty to abolish it. CARICOM was particularly concerned by that position because other initiatives recently proposed tended to make development assistance conditional upon the abolition of the death penalty. That trend

undermined the sovereignty of States and the principles of international cooperation.

57. International law did not prohibit the death penalty; rather, it expressly recognized that States had a sovereign right to apply it. Most CARICOM States had acceded to the main international human rights instruments. Those which imposed the death penalty did so only for the most serious crimes, in full accordance with the universally recognized principles of international law.

58. As small developing States, the CARICOM countries had become members of the United Nations on the understanding that their sovereignty would be respected and their integrity preserved. It was thus particularly disturbing that more powerful countries were seeking to use the institution to which they had entrusted the protection of their sovereignty as a tool to undermine their constitutions and national legislation.

59. Under international law, every State had the right to determine which international instruments it wished to ratify. It was for that reason that the second Protocol to the International Covenant on Civil and Political Rights was optional. It was also for that reason that conventions, protocols and covenants were binding only on those States which were parties to them. The General Assembly must allow every State to express its views on all issues within the Assembly's mandate, but it should not tolerate States undermining the sovereign rights of other States. Countries had the inalienable right to establish a judicial system which was responsive to their culture and enabled them to uphold the rule of law and democratic principles, and to protect their constitution.

60. **Ms. Al Hajjaji** (Libyan Arab Jamahiriya) regretted that certain speakers in both the Third Committee and the Commission on Human Rights were raising questions relating to the Muslim religion, especially in respect of the status of women in Islam, by referring to incorrectly interpreted verses of the Koran. It was regrettable that, from over a hundred verses alluding to women, Muslims and non-Muslims quoted only a small number which served their interests.

61. In discussing the issue of the status and rights and duties of women in Islam, it was above all necessary to study the deeper meaning of the Koran, as well as the different cultures and civilizations which had influenced Muslim society after the advent of Islam, and to properly understand the sociopolitical conditions in which the commentators had lived.

62. On 16 March 1997, the General People's Congress (Libyan parliament) had adopted a document on the rights and duties of women in Libyan society, which was based on a correct interpretation of the Koran and guaranteed women the same rights as men. Accordingly, women could exercise power within the people's assemblies; like men, they had a duty to defend the fatherland. Marriage could not be dissolved without their consent; women had the right to a dowry in accordance with the Sharia; they had the right of custody over children; and they managed their property with full independence. Men could not take a second wife without the agreement of the first; the law punished any offence against the dignity of women. Moreover, children born of a foreign father enjoyed the same rights as children of Libyan nationality; women could occupy any posts, including senior posts, commensurate with their skills; they also received social security and a pension.

63. Libyan women had fully approved the principles enshrined in that document; violations of it were punishable by law.

The meeting rose at 12 noon.